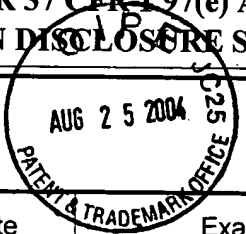


IFW

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

Docket No.  
**08560002AA**

In Re Application Of: **Hone**



Application No. <b>10/632,095</b>	Filing Date <b>8-1-03</b>	Examiner <b>unknown</b>	Customer No. <b>30743</b>	Group Art Unit <b>1643</b>	Confirmation No. <b>1913</b>
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**Invention: DNA VACCINES THAT EXPRESSES MUTANT ADP-RIBOSYLTRANSFERASE TOXINS WHICH  
DISPLAY REDUCED, OR ARE DEVOID OF, ADP-RIBOSYLTRANSFERASE ACTIVITY**

**COMMISSIONER FOR PATENTS:**

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

Check applicable statement herebelow:

**Statement Under 37 CFR 1.97(e)(1)**

- ☐ Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

**Statement Under 37 CFR 1.97(e)(2)**

- ☒ No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

*Signature*

Dated: **8-25-04**

**Michael E. Whitham  
Reg. # 32,635  
Whitham, Curtis & Christofferson P.C.  
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Customer # 30743**

**Certificate of Mailing by First Class Mail**

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on \_\_\_\_\_.

(Date)

*Signature of Person Mailing Correspondence*

*Typed or Printed Name of Person Mailing Correspondence*

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Hone

Serial No. 10/632,095

Group Art Unit: 1643

Filed: 8-1-03

Examiner: unknown

For: **DNA VACCINES THAT EXPRESSES MUTANT ADP  
RIBOSYLTRANSFERASE TOXINS WHICH DISPLAY REDUCED, OR ARE  
DEVOID OF, ADP RIBOSYLTRANSFERASE ACT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Under the provisions of 37 C.F.R. 1.97 through 1.98 and pursuant to applicant's duty of disclosure under 37 C.F.R. 1.56, applicant respectfully brings the following document, cited for the above-identified patent application and listed on the attached forms PTO-1449, to the attention of the Examiner in charge of the above-identified application.

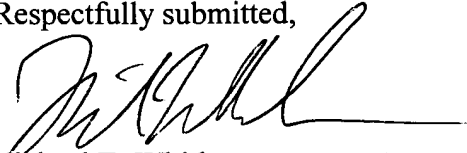
These documents were cited in the corresponding PCT application PCT/USO3/24018 in a Notification of Transmittal of International Search Report mailed August 16, 2004, less than three months prior to this submission.

This citation does not constitute an admission that the references are relevant or material to the claims. They are only cited as constituting related art of which the applicant is aware.

It is respectfully requested that the listed references be considered by the Examiner and be formally made record of in the application.

Please charge any deficiencies in fees and credit ant overpayment of fees to Attorney's deposit account 50-2041

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Whitham', with a long horizontal flourish extending to the right.

Michael E. Whitham

Reg. No. 32,635

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**Customer # 30743**

<b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				Docket Number (Optional) <b>08560002AA</b>		Application Number <b>10/632,095</b>	
				Applicant(s) <b>Hone</b>			
				Filing Date <b>8-1-03</b>		Group Art Unit <b>1643</b>	

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

U.S. PATENT APPLICATION PUBLICATIONS							
*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO

OTHER DOCUMENTS		<i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>
		1. Ochi et al. "The possible role of ADP-ribosylation in sporulation and streptomycin production by <i>Streptomyces griseus</i> " <i>Journal of General Microbiology</i> , pp. 1745-1750; 1992  2. Webster et al. "Protection of ferrets against influenza challenge with DNA vaccine to the haemagglutinin" <i>Vol. 12, No. 16, pp. 1495-1498; December 1994</i>  3. Yamamoto et al. "Direct Effects on Antigen-Presenting Cells and T Lymphocytes Explain the Adjuvanticity of a Nontoxic Cholera Toxin Mutant" <i>The American Association of Immunologists</i> , pp. 7015-7021; 1999  4. Burnette et al. " Pertussis Toxin S1 Mutant with Reduced Enzyme Activity and a Conserved Protective Epitope" <i>Science</i> , <i>Vol. 242, pp. 72-74 ; October 7, 1988</i>

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.